

**ZB# 67-1**

**Newburgh Savings Bank**

**(no SBL given)**

67-1 ~~66~~-

Newb. Savings  
Bank

Filed 3/8/67

1:00  
p.m.

State of New York  
County of Orange, ss:

Hugh V. Nocton , being duly sworn deposes and  
says that he is Principal Clerk ..... of Newburgh-  
Beacon News Co., Inc., Publisher of The Evening News,  
a daily newspaper published and of general circulation in  
the Counties of Orange and Dutchess, and that the notice  
of which the annexed is a true copy was published .....  
January 23rd .....  
in said newspaper, commencing on the 23rd day of  
January ..... A.D., 1967 , and ending on  
the 23rd day of January ..... A.D., 1967

PUBLIC HEARING  
TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
Appeal for a VARIANCE in order  
to build a branch bank Newburgh  
Savings Bank applicant. Property lo-  
cated at the Northwest Corner of  
Route 32 and Old Temple Hill Road,  
New Windsor, N.Y.  
A public hearing will be held on  
Monday, February 6, 1967, at 8:00  
P.M. in the New Windsor Town Hall,  
Union Ave., New Windsor, N.Y.  
ZONING BOARD OF APPEALS  
By: EUGENE D. SLOAN,  
Chairman  
Jan. 23

Subscribed and sworn to before me this  
1st day of February 1967.

*Hugh V. Nocton*

Notary Public of the State of New York, County of Orange.  
MY COMMISSION EXPIRES MARCH 30, 19



Adopted 12/20/65

PLEASE PREPARE IN DUPLICATE

APPLICATION FOR VARIANCE

APPLICATION NO. \_\_\_\_\_

DATE: January 16 19 67

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (we) NEWBURGH SAVINGS BANK of 94 Broadway  
(Street & Number)

Newburgh, New York HEREBY MAKE  
(State)

APPLICATION FOR A VARIANCE:

A. LOCATION OF THE PROPERTY Northwest Cor. of  
Rte. 32 & Temple Hill Rd., G.I.  
(Street & Number) (Use District on Zoning Map)

B. PROVISION (S) OF THE ZONING ORDINANCE APPLICABLE: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance: \_\_\_\_\_)

C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: Although zoned for  
General Industry, subject property is in the midst of a retail business area.  
There is no industry or land available for industrial development on Route  
32 in the area of subject property.
2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: Property to the north has developed into a business area with  
retail stores, a bank, barber shop, beauty parlor, dry cleaners, drug  
store, liquor store, proposed theater, restaurant, service station, ect.
3. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Ordinance because: Applicant had no control over the development of the  
property to the north as a retail business area.



4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this ordinance because: The use of  
subject property as a branch of a Savings Bank will up-grade the use proposed  
and intended under the zoning ordinance.

5. Relief, if approved will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because:

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

A two story banking institution with drive-in and parking facilities.

E. Application to be accompanied by a check, payable to the Town Comptroller, in the amount of \$10.00. Application to be returned to: Eugene Sloan, Chairman, New Windsor Zoning Board of Appeals, M.D. 29, Lt. Britain Rd., Newburgh, N. Y.

F. NOTICE OF HEARING.

Applicant agrees to send notice of any public hearing via registered mail to all abutting land owners as required by Section 9.4.1 of the ordinance.

Dated: 16 Jan. 1967

STATE OF NEW YORK )  
COUNTY OF ORANGE ) SS

Sworn to this 16<sup>th</sup> day of Jan. 1967

Ray E. Dwyer  
Notary Public  
NOTARY PUBLIC IN THE STATE OF NEW YORK  
RESIDENT ORANGE CO. WHEN APPOINTED  
COMMISSION EXPIRES MARCH 30, 1967

94 BROADWAY  
NEWBURGH, N. Y.  
Signature of Applicant  
Ray E. Dwyer  
Ray E. Dwyer  
Address  
Newburgh, N. Y.  
502 5800  
Telephone No.

DO NOT WRITE IN THIS SPACE

Application No. \_\_\_\_\_  
Date of Hearing 2/3/67  
Date of Decision 2/3/67

Date Received Jan. 16, 1967  
Notice Published Jan. 23, 1967

Decision: Col. Fischer made a motion, seconded by Mrs. Budney that application for a variance with respect to land use be unconditionally approved but that the supplementary portion of application which pertains to shortage of 9,000 sq. ft. be conditionally approved subject to approval of Planning Board.

*Seymour Feinman*

ATTORNEY - AT - LAW

135 GRAND STREET NEWBURGH, NEW YORK 12550

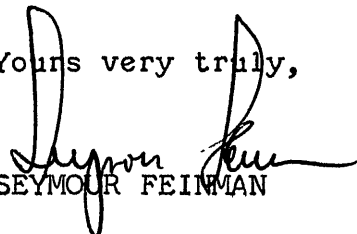
January 31, 1967

Mr. Eugene Sloan, Chairman  
Zoning Board of Appeals  
Town of New Windsor  
M. D. #29, Little Britain Road  
Newburgh, New York

Dear Mr. Sloan:

Mr. Theodore Jargstorf, Chairman of the New Windsor Planning Board has asked me to inform you that at a meeting held on January 25, 1967 the Planning Board unanimously recommended to your Zoning Board of Appeals that the application for a variance submitted by the Newburgh Savings Bank be approved.

Yours very truly,

  
SEYMOUR FEINMAN

SF/evo

cc: Theodore Jargstorf  
M.D. #26, Lucas Drive  
New Windsor  
Newburgh, New York

Fred Weygant, Jr.  
Newburgh Savings Bank  
94 Broadway  
Newburgh, New York

**TO: ZONING BOARD OF APPEALS, TOWN OF NEW WINDSOR,  
ORANGE COUNTY, NEW YORK.**

**RE: Application for Variance and interpretation of Zoning  
Ordinance of the Town of New Windsor**

**PREMISES: Northwest corner of Route 32 and  
Old Temple Hill Road**

Subject property is located in the General Industry District and the Planning Board of the Town of New Windsor has given its preliminary approval of applicant's site plan and layout but no Building Permit will issue until the granting of a Variance as to the minimum lot size required in the GI District and a ruling that the use of the property as a branch bank by applicant is permissible pursuant to the applicable sections of the Zoning Ordinance.

**(1) Lot size**

Applicant has purchased a total parcel available at the location in question which contains 31,000 sq. ft. more or less and falls short of the minimum size required of 40,000 sq. ft. The subject lot's width, depth, side yard and off-street parking based on building floor space all exceed the minimum requirements of the Zoning Ordinance for the GI District. The front yard requirement is fulfilled although not excessively as in the case of the other requirements.

It is submitted that applicant's use of the property is not highly concentrated or intense, will not contain a high percentage of building coverage to the total lot and will not generate a large number of employees because of its unique use as a savings bank branch. Therefore, where all other standards are met or even exceeded, the one standard as to size, not fulfilled, becomes less necessary and in-

## **Old Temple Hill Road**

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It is submitted that applicant's use of the property is not highly concentrated or intense, will not contain a high percentage of building coverage to the total lot and will not generate a large number of employees because of its unique use as a savings bank branch. Therefore, where all other standards are met or even exceeded, the one standard as to size, not fulfilled, becomes less necessary and important in view of the applicant's specialized use.

Denial of applicant's use of the property at this location for its intended use as a branch bank would surely deny the applicant its right to the reasonable use of its

property in a prime location for the purpose. After great expense in the acquisition of the land and in a neighborhood where, with the existence of another leading commercial bank branch, the proposed use would not cause any disruption but on the contrary would add stability and enhance property values generally. Availability of additional adjacent land so as to acquire the additional 9,000 sq. ft. are not possible or feasible even at extreme cost and expense. Denial of this Variance on the condition that this additional land be acquired would be causing undue hardship on the applicant and would pose a condition that might not be capable of being fulfilled.

Therefore the inability to acquire additional lands, the planned development of the site for the unique use of a savings bank branch, the compliance in all other respects with standards imposed and the good faith on the part of the applicant to develop the parcel in conformity to the Zoning Ordinance's standards seem to support a finding of public interest in granting the Variance to the owner for lot size requirement. The strict application of the Ordinance would deprive applicant of the reasonable use of his land and therefore the Variance sought is necessary for the reasonable use by the applicant of its land and is a minimum variation from the standard. The granting of the variance will not change the character of the neighborhood radically, will not downgrade or devalue the area nor in any way be injurious to adjacent property. On the contrary, it is felt that the proposed use will upgrade the area.

(2) Lot 466C -

By reference, Section 48-13, paragraph B (1) pro-

posed use will upgrade the area. lot industry

on the contrary would add stability and enhance property values generally. Availability of additional adjacent land so as to acquire the additional 9,000 sq. ft. are not possible or feasible even at extreme cost and expense. Denial of this Variance on the condition that this additional land be acquired would be causing undue hardship on the applicant and would pose a condition that might not be capable of being fulfilled.

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(2) Lot 45E -

By reference, Section 48-13, paragraph B (1) provides that any use permitted in the office-light industry district, subject to Planning Board approval of site development, is permitted in the GI District. Section 48-12, paragraph B (3) sets up as such a permitted use office

buildings for business and professional offices with incidental facilities for exclusive use of company employees.

It is submitted that the applicant's proposed use of the premises in accordance with its plans and layout will conform to this definition of permitted use and, provided the Planning Board gives the approval as required, there should therefore be an interpretation of these two pertinent sections of the Zoning Ordinance which would allow and approve the use of the applicant's property for a savings bank branch building.

It is offered that a banking institution takes on many of the aspects and is very closely allied with business and professional offices while at the same time, as can be seen from the building layout and site plan, it offers much of what a small research or development laboratory would offer in physical characteristics so that interpreting these sections to include a branch bank would not be setting a precedent of exception which would make it awkward for the Board of Appeals on later applications. Applicant's use is unique and infrequent as a general rule. The use applied for certainly is not a prohibited use under either section so that there is no violation of the intent of the Ordinance from this point of view.

Wherefore, applicant respectfully requests a favorable consideration by the Zoning Board of Appeals that the Variance as to the minimum lot size of 31,000 sq. ft. and the use of the premises as a savings bank branch be permitted.

Respectfully submitted,

NEWBURGH SAVINGS BANK, Applicant

BY: *Paul C. McLaughlin, Jr.*

DATED: February 2, 1967 SCOTT AND HOY, ESQS

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Respectfully submitted,

NEWBURGH SAVINGS BANK, Applicant

BY: *Paul C. Hyatt, Esq.*

DATED: February 2, 1967

SCOTT AND HOYT, ESQS.  
Office and P.O. Address  
233 Liberty Street  
P.O. Box 511  
Newburgh, New York 12550

SCOTT AND HOYT  
BOX 511  
233 LIBERTY STREET  
NEWBURGH, N. Y. 12550



M. DONALD LANE, JR., A.I.A. ARCHITECT  
11 CANNON STREET - Poughkeepsie, N.Y.

SUBJECT: Newburgh Savings Bank - Vails Gate Branch

Space Study C November 23, 1966

This study provides a building of 2688 square feet with a parking lot for 36 cars.

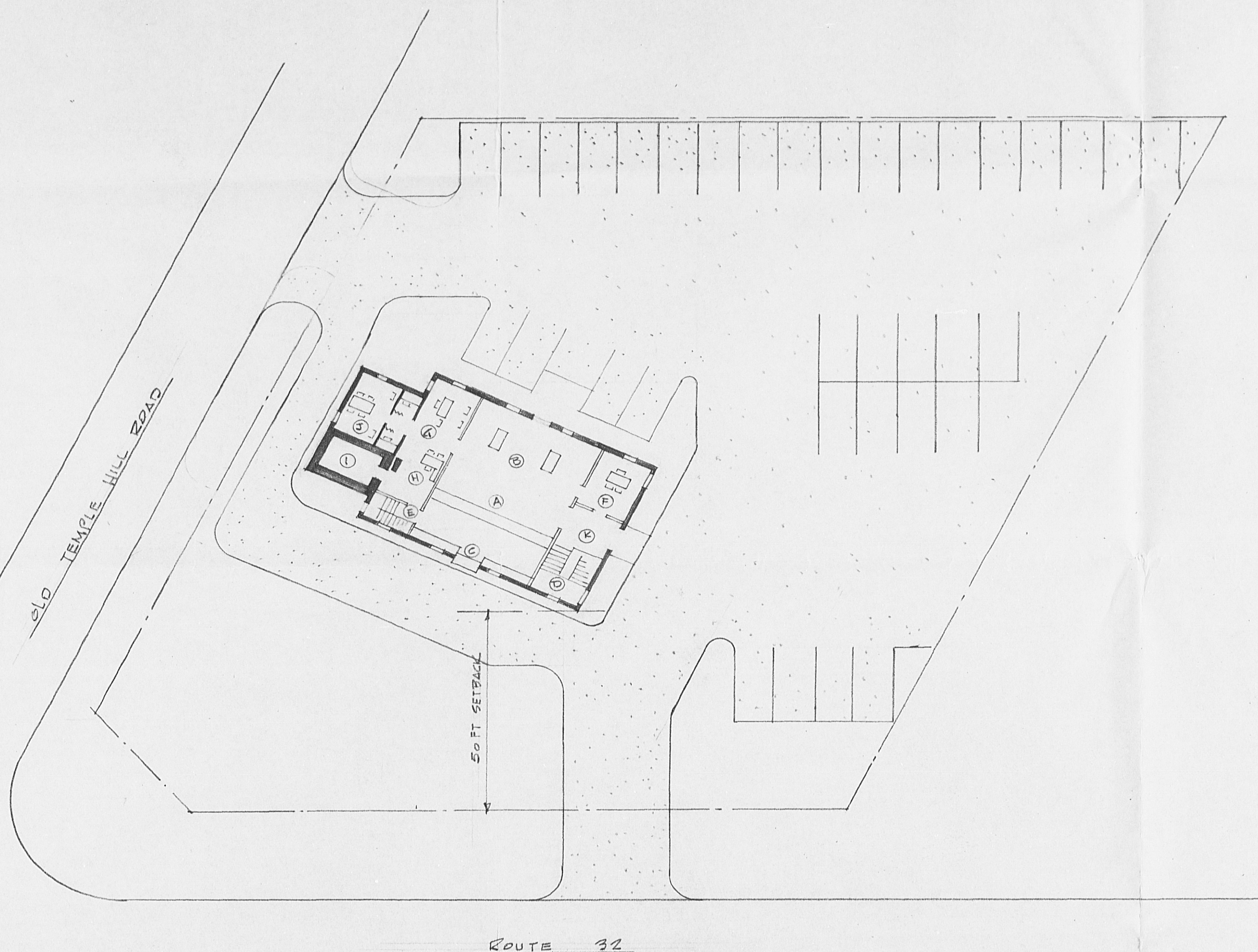
The space make-up is keyed as follows:

- A) 6 Tellers with a counter 30 feet long.
- B) Public space 30' x 24'.
- C) Drive-up Window.
- D) Public stairs to public rooms in basement.
- E) Private stairs from the Tellers' line to the Employees' area in the basement.
- F) Mortgage Officer with access to Main Vestibule.
- G) Branch Manager's Desk.
- H) Safe Deposit and New Accounts area. Adjacent to this area are 2 Coupon Booths and a Conference Room which can be used by both the Branch Manager and the Safe Deposit customers.
- I) 8' x 12' Vault.
- J) Conference Room.
- K) Main Vestibule.
- L) Accounting area in basement adjacent to stairs E.

This plan has the advantages of having the Main Entrance visible from Route #32 and the Parking Lot, the stairs to the Public area off this Main Entrance, the Mortgage Officer adjacent to this Vestibule so that he may have access to customers during non-banking hours, the Branch Manager and New Accounts in the same area, the Vault prominently displayed, an adequate large Public Space designed so that displays and seating may be comfortably arranged.

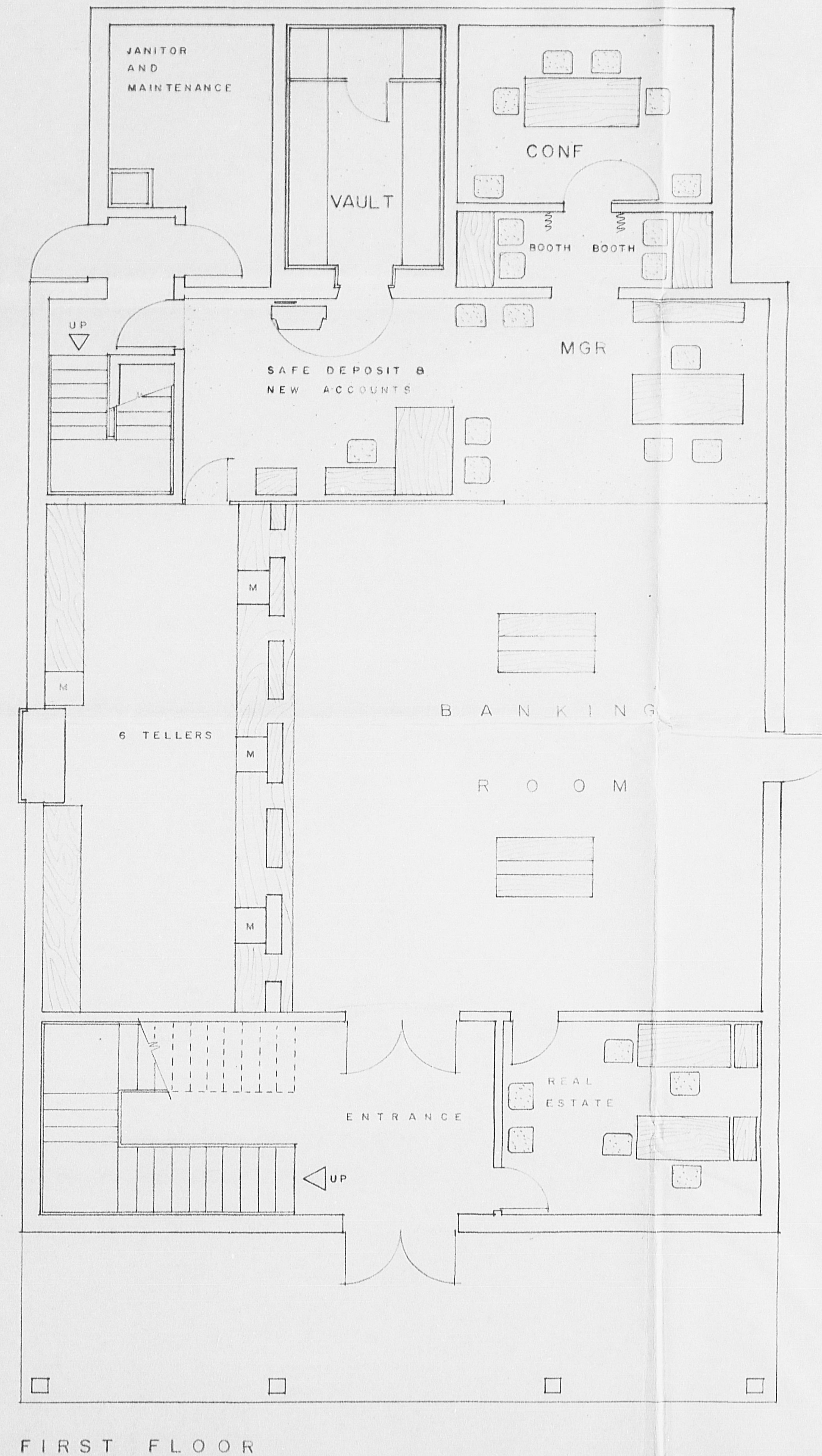
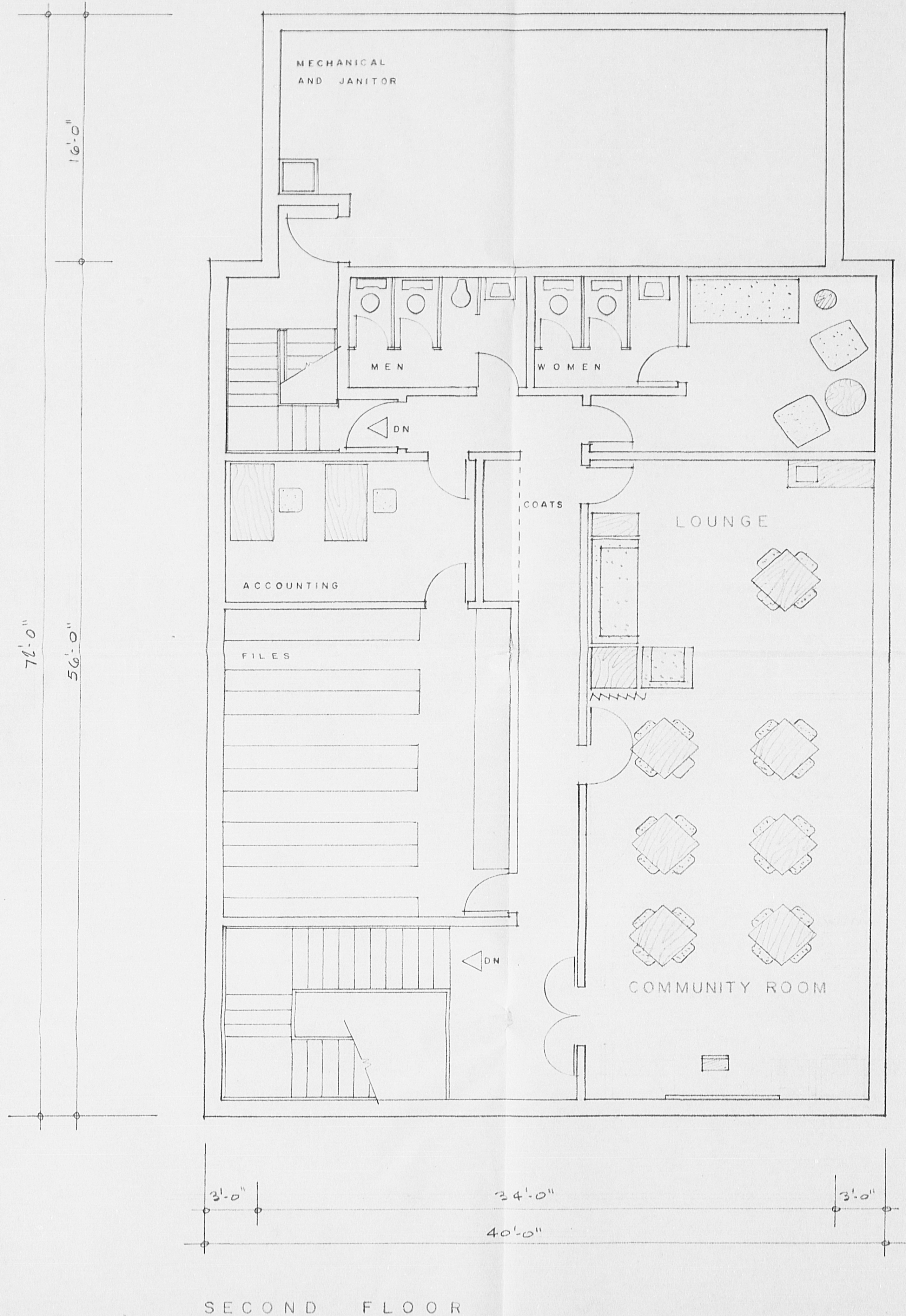
It has the disadvantages of being the largest of the Space Studies being presented and that the Accounting area is in the basement.

REVISED 12-22-66



ROUTE 32





M. DONALD LANE, JR., A.I.A. ARCHITECT  
11 CANNON STREET - POUGHKEEPSIE, N.Y.

Proposed Branch Bank  
Vails Gate Branch  
Newburgh Savings Bank

Space Development Plan  
December 20, 1966

This study is based upon the "Space Study C" dated November 23, 1966. It is essentially the same except that a small area has been added at the rear on the first floor to provide space for janitor, building and ground maintenance.

Based upon the borings which show water at five feet and rock at approximately ten feet, this study provides no basement but provides all the other essential services and areas on the second floor.

This study provides 2,780 square feet on each floor for a total of 5,560 square feet.

REVISED 12-28-66